



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: June 15, 2005

Time: Closed Session 6:00 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- d) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- e) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Joaquin County Superior Court, Case No. CV025569

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Reverend Richard Matters, St. John the Baptist Episcopal Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Presentation by the Lodi Area All Veterans Plaza Foundation of quarterly payment on loan from City of Lodi
- b) Presentation of monetary gift by Hutchins Street Square Foundation as payment toward Hutchins Street Square Performing Arts Center (COM)

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$1,777,952.28 (FIN)
- E-2 Approve minutes (CLK)
a) April 20, 2005 (Regular Meeting)
b) May 10, 2005 (Shirtsleeve Meeting)
c) May 24, 2005 (Shirtsleeve Session)
d) May 31, 2005 (Shirtsleeve Session)
- E-3 Authorize the City Manager to approve inventory replenishment orders in excess of \$5,000 for Water and Wastewater utility maintenance and repair items purchased during July 2005 (PW)
- Res. E-4 Adopt resolution authorizing submittal of Safe Route to School grant applications to the California Department of Transportation (PW)
- Res. E-5 Adopt resolution authorizing the City Manager to execute a cooperative agreement with San Joaquin Council of Governments for the City of Lodi Grapeline Express operating services for fiscal years 2005-06 to 2007-08 (PW)
- E-6 Accept memorial bench and plaque donation for Vinewood Dog Park from Yvonne Perrin in honor of Jerry Perrin (PR)
- E-7 Authorize funds from the Protocol Account for the City Council to host a reception on August 18 honoring members of Council-appointed boards, commissions, committees, and task force groups (approximately \$2,400) (CLK)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

- Res. I-1 Continued public hearing to adopt by resolution the 2005-06 Financial Plan and Budget and the 2005-06 Appropriations Spending Limit (FIN)
- Res. I-2 Public hearing to consider resolutions adopting Final Engineer's Annual Levy Report for Lodi
Res. Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2005-06, and ordering the levy and collection of assessments (PW)
- Res. I-3 Public hearing to consider Reimbursement Agreement RA-05-01 establishing an area of benefit and reimbursable costs for public improvements for Legacy Estates, Unit No. 1, Tract No. 3260 (PW)

J. Communications

J-1 Claims filed against the City of Lodi

- a) The Salvation Army, date of loss 2/5/04
b) Town & Country Park Association, date of loss 12/25/03

J-2 Appointments

Pulled

- a) Post for vacancy on the Lodi Animal Shelter Task Force (CLK)
b) Appointments to the Lodi Arts Commission, Lodi Improvement Committee, and the Planning Commission (CLK)

J-3 Miscellaneous

- a) Monthly Protocol Account Report (CLK)

K. Regular Calendar

- Res. K-1 Adopt resolution ratifying the San Joaquin Council of Government's Annual Financial Plan for fiscal year 2005-06 (PW)
- K-2 Consider approval of street closures on Rose Street between Oak Street and Walnut Street and on Walnut Street between Rose Street and the Hutchins Street Square Parking Lot and the use of the park area at Hutchins Street Square for the Family Faith Festival (PW)
- K-3 Authorize the City Manager to execute Industrial Waste Connection Memorandum of Understanding with Van Ruiten Family Winery as Downtown revitalization business attraction incentive (PW)
- Res. K-4 Adopt resolution transferring \$4,500,000 from the Rate Stabilization Fund to the Electric Revenue Fund and establishing a timeline to replenish the Rate Stabilization Fund (CA)
- Ord. K-5 Introduce ordinance amending Title 2, "Administration and Personnel," of the Lodi Municipal Code by adding Chapters 2.13 and 2.14 relating to the City Clerk and City Attorney (CA)
- (Introduce)
- K-6 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$199,915.09), and approve Special Allocation covering general litigation matter expenses (\$5,559.70) (CA)

L. Ordinances

- Ord. L-1 Ordinance No. 1760 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 2 – Administration and Personnel Chapter 2.44 by Repealing in its Entirety Section 2.44.030 Relating to Maximum Age" (CLK)
- (Adopt)
- Ord. L-2 Ordinance No. 1761 entitled, "An Ordinance Adopting the '2004 California Electrical Code,' Which Code Regulates the Installation, Alteration, or Addition of Electrical Wiring, Devices, Appliances, or Equipment in the City of Lodi; and Repealing and Re-Enacting Sections 15.16.010 Through 15.16.030 of the Codes of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith" (CLK)
- (Adopt)

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk